

### **IC 36-1-3.5**

#### **Chapter 3.5. Transfer of Jurisdiction From General Assembly to Local Legislative Authorities**

### **IC 36-1-3.5-1**

#### **Policy; purpose**

Sec. 1. The policy of the state is that in all cases where a general law can be made applicable, all laws should be general and of uniform operation throughout the state, as provided by Article 4, Section 23 of the Constitution of Indiana. In addition, the policy of the state is that in local affairs where a general law cannot be made applicable, the applicable laws should be determined by the local legislative authorities under the home rule provisions of this title, particularly IC 36-1-3-6. Therefore, the purpose of this chapter is to transfer to the appropriate local authorities jurisdiction over certain local matters that, before the 1981 regular session of the general assembly, have been subjects of statutory concern.

*As added by Acts 1981, P.L.17, SEC.4.*

### **IC 36-1-3.5-2**

#### **Consolidated city and county; transfer to legislative body**

Sec. 2. (a) This section applies to each consolidated city and its county.

(b) Jurisdiction over the following local matters, which before the 1982 regular session of the general assembly have been subjects of statutory concern, is transferred to the legislative body of the consolidated city and county:

(1) Powers, duties, functions, and obligations of department of administration (formerly governed by IC 18-4-7 and IC 18-4-18).

(2) Certain powers, duties, functions, and obligations of department of metropolitan development (formerly governed by IC 18-4-8-1 through IC 18-4-8-7, IC 18-4-8-10(3), IC 18-4-8-12, IC 18-4-8-13, IC 18-4-8-14, and IC 19-8-23).

(3) Certain powers, duties, functions, and obligations of department of public safety (formerly governed by IC 18-4-12-1 through IC 18-4-12-7, IC 18-4-12-9 through IC 18-4-12-12, IC 18-4-12-14 through IC 18-4-12-16, IC 18-4-12-18, IC 18-4-12-28 through IC 18-4-12-35, IC 18-4-12-37, IC 18-4-12-38, IC 18-4-12-40, IC 18-4-12-42, IC 18-4-12-45, IC 18-4-12-49 through IC 18-4-12-59, IC 19-1-1, and IC 19-1-6).

(4) Certain powers, duties, functions, and obligations of department of public works (formerly governed by IC 18-4-2-16, IC 18-4-9-2, IC 18-4-9-3, IC 19-2-11, IC 19-2-14.5-1, IC 19-2-14.5-3, IC 19-2-14.5-4, IC 19-2-17, IC 19-2-18, IC 19-2-21, IC 19-2-22, IC 19-2-23, IC 19-4-22, and IC 19-5-10).

(5) Territory of solid waste special service district (formerly governed by IC 19-2-14.5-5 and IC 19-2-14.5-6).

(6) Certain powers, duties, functions, and obligations of Indiana department of transportation (formerly governed by IC 8-17-2, IC 18-4-10-3, IC 18-4-10-14, IC 19-5-3, IC 19-5-4, and IC 19-5-10).

(7) Street vacation procedures (formerly governed by IC 19-5-20).

(8) Certain powers, duties, functions, and obligations of department of parks and recreation (formerly governed by IC 18-4-13).

*As added by Acts 1981, P.L.17, SEC.4. Amended by Acts 1982, P.L.127, SEC.7; P.L.18-1990, SEC.288.*

### **IC 36-1-3.5-3**

#### **Transfer to legislative bodies of certain cities**

Sec. 3. (a) This section applies to cities in a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the legislative body of each city having a population of more than one hundred thousand (100,000) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(1) Board of tenant concerns (formerly governed by IC 18-7-11.5).

(2) Regulation of sewers and drains (formerly governed by IC 19-2-11).

(3) Department of waterworks (formerly governed by IC 19-3-27).

(4) Benefits for certain municipal utility employees (formerly governed by IC 19-3-29).

(c) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the legislative body of each city having a population of more than thirty-five thousand (35,000) but less than one hundred fifteen thousand (115,000):

(1) Regulation of sewers and drains (formerly governed by IC 19-2-11).

(2) Department of waterworks (formerly governed by IC 19-3-27).

(3) Benefits for certain municipal utility employees (formerly governed by IC 19-3-29).

*As added by Acts 1981, P.L.17, SEC.4. Amended by P.L.12-1992, SEC.142; P.L.170-2002, SEC.133.*

### **IC 36-1-3.5-4**

#### **Cities in certain counties; transfer to legislative bodies of certain**

**cities**

Sec. 4. (a) This section applies to cities in a county having neither:

- (1) a consolidated city; nor
- (2) a population of:
  - (A) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
  - (B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the legislative body of each city having a population of more than fifty thousand (50,000):

- (1) Regulation of sewers and drains (formerly governed by IC 19-2-11).
- (2) Benefits for certain municipal utility employees (formerly governed by IC 19-3-29).

(c) Jurisdiction over the following local matter, which before the 1981 regular session of the general assembly has been the subject of statutory concern, is transferred to the legislative body of each city having a population of more than thirty-five thousand (35,000), but less than fifty thousand (50,000):

Regulation of sewers and drains (formerly governed by IC 19-2-11).

*As added by Acts 1981, P.L.17, SEC.4. Amended by P.L.12-1992, SEC.143.*

**IC 36-1-3.5-5**

**Counties of more than 400,000 but less than 700,000; transfer to legislative body of county**

Sec. 5. (a) This section applies to each county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the legislative body of the county:

- (1) Frequency of salary payments (formerly governed by IC 17-3-73-2).
- (2) Mileage allowances for deputy county auditors (formerly governed by IC 17-3-29-1).
- (3) County purchasing agency (formerly governed by IC 17-2-77).
- (4) County data processing agency (formerly governed by IC 17-2-74).

*As added by Acts 1981, P.L.17, SEC.4. Amended by P.L.12-1992, SEC.144.*

**IC 36-1-3.5-6**

**Counties of more than 300,000 but less than 400,000; transfer to county executive**

Sec. 6. (a) This section applies to a county having a population of

more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(b) Jurisdiction over the following local matters, which before the 1982 regular session of the general assembly have been subjects of statutory concern, is transferred to the executive of the county:

(1) Motor vehicles for the county surveyor (formerly governed by IC 17-3-69-1).

(2) County purchasing agency (formerly governed by IC 17-2-77).

(3) County data processing agency (formerly governed by IC 17-2-73 or IC 17-2-74).

(4) Natural beauty roads (formerly governed by IC 19-7-17.5).

(5) Building and minimum housing department of the county (formerly governed by IC 17-2-72.3).

*As added by Acts 1981, P.L.17, SEC.4. Amended by Acts 1982, P.L.127, SEC.8; P.L.12-1992, SEC.145.*

#### **IC 36-1-3.5-7**

##### **Counties of more than 200,000 but less than 300,000; transfer to legislative body of county**

Sec. 7. (a) This section applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the legislative body of the county:

(1) County purchasing agency (formerly governed by IC 17-2-77).

(2) County data processing agency (formerly governed by IC 17-2-74).

*As added by Acts 1981, P.L.17, SEC.4. Amended by P.L.12-1992, SEC.146.*

#### **IC 36-1-3.5-8**

##### **Transfer to county executive of certain counties**

Sec. 8. (a) This section applies to a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the executive of the county:

(1) County purchasing agency (formerly governed by IC 17-2-77).

(2) County data processing agency (formerly governed by IC 17-2-74).

(3) Control of county parks (formerly governed by IC 17-2-76).

*As added by Acts 1981, P.L.17, SEC.4. Amended by P.L.12-1992, SEC.147; P.L.170-2002, SEC.134.*

#### **IC 36-1-3.5-9**

#### **Transfer to county executive of certain counties**

Sec. 9. (a) This section applies to a county having a population of:

- (1) more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000);
- (2) more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000);
- (3) more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000);
- (4) more than one hundred eighteen thousand (118,000) but less than one hundred twenty thousand (120,000);
- (5) more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000); or
- (6) more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000).

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the executive of the county:

- (1) County purchasing agency (formerly governed by IC 17-2-77).
- (2) County data processing agency (formerly governed by IC 17-2-74).

*As added by Acts 1981, P.L.17, SEC.4. Amended by P.L.12-1992, SEC.148; P.L.170-2002, SEC.135.*

#### **IC 36-1-3.5-10**

##### **Transfer to county executive of certain counties**

Sec. 10. (a) This section applies to a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).

(b) Jurisdiction over the following local matter, which before the 1981 regular session of the general assembly has been the subject of statutory concern, is transferred to the executive of the county:

County purchasing agency (formerly governed by IC 17-2-77).

*As added by Acts 1981, P.L.17, SEC.4. Amended by P.L.12-1992, SEC.149; P.L.170-2002, SEC.136.*

#### **IC 36-1-3.5-11**

##### **Counties having one second class city and populations not more than 105,000; transfer to county executive**

Sec. 11. (a) This section applies to each county having a population of not more than one hundred five thousand (105,000) and only one (1) second class city.

(b) Jurisdiction over the following local matter, which before the 1981 regular session of the general assembly has been the subject of statutory concern, is transferred to the executive of the county:

County data processing agency (formerly governed by IC 17-2-74).

*As added by Acts 1981, P.L.17, SEC.4.*